

Gumbaynggirr people native title determination

On 8 December 2017, the Federal Court of Australia determined that the Gumbaynggirr People have native title rights and interests over an area of land and waters at Wenonah Head, near Urunga, on the mid-north coast of New South Wales. This determination will resolve the oldest native title claim in New South Wales.

This important outcome has been achieved by using a range of methods that recognise the 'non-exclusive' native title rights and interests of the Gumbaynggirr people, and secure ongoing public access to the beaches, reserves and water.

The native title claim area of the Gumbaynggirr people

Native title has been recognised over all of the lands and waters in the claim area of the Gumbaynggirr people, which covers approximately 1.45 square kilometres of land and waters in the vicinity of Wenonah Head.

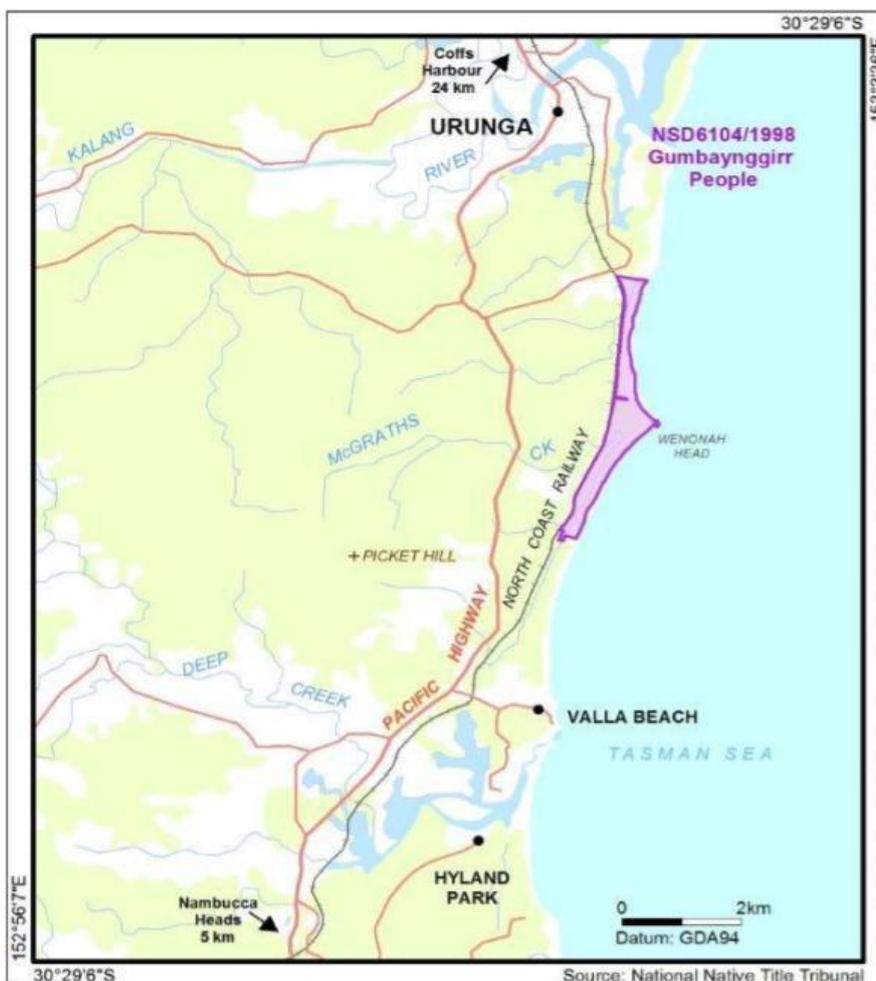


Figure 1. The native title claim area of the Gumbaynggirr people is shown in purple on the map.

The 'non-exclusive' native title rights of the Gumbaynggirr people include the right to access the land, camp on the land, hunt and fish on the land and waters, and carry out ceremonies. These non-exclusive rights exist alongside the rights of the public to continue to access and enjoy Jagun Nature Reserve, Wenonah Head recreation area, the waterways and the beach, and the rights of the government to effectively protect and manage those areas.

The recognised native title rights and interests are held by the Gumbaynggirr people and either their direct biological descendants, or people who are adopted or incorporated into the families who identify as, and are accepted as, Gumbaynggirr people in accordance with their traditional laws and customs.

Additionally, three parcels of land have been transferred in freehold to the Gumbaynggirr people.

Ongoing public access

The government has ensured the public will continue to have the same rights of access to the Wenonah Head recreational area, Jagun Nature Reserve, the beach and waterways as they currently do, including access to and the picnic tables, public toilets and car parks.

A mutually beneficial way forward

The unique approach taken to finalise the Gumbaynggirr native title claim means:

- the public can continue to use the area for recreation as they have in the past
- the native title holders have rights relating to the land and waters as outlined in the consent determination and Indigenous land use agreement
- the Coffs Harbour District Local Aboriginal Land Council will hold most of the land in the claim area in freehold, subject to the recognised native title rights.

Although most of the land in the claim area will be held in freehold by either the Gumbaynggirr people or the Coffs Harbour and District Local Aboriginal Land Council, the government has ensured that the public will continue to have the same rights of access to the Wenonah Head recreational area, Jagun Nature Reserve, the beach and waterways as they currently do.

This mutually beneficial outcome was secured through several legal mechanisms including:

- a native title consent determination made by the Federal Court of Australia
- an Indigenous land use agreement between the native title holders and the state land management agencies (Attorney General, Crown Lands, Fisheries and Office of Environment & Heritage)
- an Aboriginal land agreement between the Coffs Harbour and District Local Aboriginal Land Council, the New South Wales Aboriginal Land Council and the Minister for Crown Lands.

The Aboriginal land agreement

The Aboriginal land agreement provides for the finalisation of fifteen Aboriginal land claims.

The Indigenous land use agreement

This Indigenous land use agreement sets out the practical detail of how native title rights and interests over the claim area will coexist with the rights of the government and other parties, including the public.

More information

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